

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
NOVEMBER 05, 2007**

CALL TO ORDER

In the absence of Chairman Larry Bedsole and Secretary Tina Aldrich, **James Balderrama moved to elect Jerry Carris to be the Acting Chairman for today's meeting. Seconded by James Dunn, the motion carried 4-0.**

Acting Chairman Carris called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

PRESENT: Acting Chairman Jerry Carris, Board Members: James Dunn, Xerxes Snell, and James Balderrama. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Commissioner Harold Boulter, Economic Development Director Dolores Key, Planning Director Ed Williams, Planner Regina McGruder, Planner Brandon Byers, and Planning Technician Lorena Blankenship.

ABSENT: Chairman Larry Bedsole; Board Members Tina Aldrich and Mac McKinney.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held October 01, 2007

Motion by James Dunn to approve the above minutes. Seconded by Xerxes Snell, the motion carried unanimously 4-0.

Variances & Special Exception Permits

2. 15331 Amberbeam Blvd. - Variance

Planner Byers presented the Board with a request for approval for 15331 Amberbeam Blvd. (*Stoneybrook West Subdivision*) for a 3 foot rear yard setback variance to allow the property owner to construct an enclosed screen room. City Staff has reviewed the application and recommends approval.

Sonia Valencia, 1358 Portmoor Way, Winter Garden (*Stoneybrook West Subdivision*), approached the Board and spoke in support of the subject petition.

Motion by Xerxes Snell to approve the 3 foot rear yard setback Variance. Seconded by James Balderrama, the motion carried unanimously 4-0.

3. 285 James Drive - Variance

Planner McGruder presented the board with a request for 285 James Drive for approval of a 10 foot front yard setback variance to allow the property owner to construct an open front porch. City Staff has reviewed the application and recommends approval.

Motion by James Dunn to approve the 10 foot front yard setback Variance. Seconded by Xerxes Snell, the motion carried unanimously 4-0.

4. 705 Hennis Road – Variance

Planner McGruder presented the board with a request for 705 Hennis Road for approval of a 10 foot rear yard setback variance to allow the property owners the ability to construct two commercial buildings. City Staff has reviewed the application and recommends approval.

Tom O’Keefe, 3333 Lawrence Street, Orlando, of R.C. Stevens approached the Board and stated that he was the builder representing the property owner. He explained that if granted, the variance will allow a 10’-0” separation between two buildings.

Motion by Xerxes Snell to approve the Variance. Seconded by James Dunn, the motion carried unanimously 4-0.

5. 81 N. Main Street - Special Exception Permit

Planner McGruder presented the board with a request for 81 N. Main Street for approval

of a Special Exception Permit to allow an adult daycare center. City Staff has reviewed the application and recommends approval with the conditions that a maximum of 20 clients per day will be permitted, and the hours of operation should be Monday through Friday from 7:30 a.m. to 5:30 p.m.

Mary Ellen Grant, 81 N. Main Street, Executive Director for the facility, approached the Board to answer questions. No questions were asked.

Motion by James Balderrama to approve the Special Exception Permit with City Staff conditions (see attached) . Seconded by James Dunn, the motion carried 4-0.

6. 236 Windermere Road – Children’s Lighthouse Learning Center at People of Faith Lutheran Church - Special Exception Permit

Planner Byers presented the board with a request for 236 Windermere Road for approval of a Special Exception Permit to allow a children’s daycare. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Johan Bergh, 228 Windermere Road, Winter Garden, Pastor of People of Faith Lutheran Church approached the Board and stated that they were in agreement with City Staff conditions.

Joseph Doherty, 215 Blue Stone Circle, Winter Garden (*Westfield Lakes Subdivision*), approached the board and stated that he was one of the adjacent property owners. He expressed concerns related to traffic in the area.

Planner Byers clarified that the proposed request is an expansion of an existing daycare facility.

Mark McLaughlin, 312 English Lake Drive, Winter Garden (*Westfield Lakes Subdivision*) approached the Board and stated that the neighborhood was notified regarding the subject petition only two days before the meeting. He requested the Board table the item, since the neighborhood needed more information regarding the request.

Ed Lynch, 660 Home Grove Drive, Winter Garden (*Regency Oaks Subdivision*), approached the Board and requested the board to table the item, since the community needed more information regarding the subject request.

John Morris, 228 Windermere Road, Winter Garden (*People of Faith Lutheran Church*), approached the Board and explained details in regards to traffic issues, stating that the

traffic flow generated by their proposed operations, will not negatively impact the intersection of Windermere Road and Warrior Road.

The Board Members and City Manager Bollhoefer discussed some matters related to the traffic study.

Fritz Depenthal, 331 Ponce de Leon, Orlando, owner and developer of the subject property, approached the Board and explained details concerning the traffic study and the traffic flow during the time the children are dropped off and picked up.

Tracy Adams, 353 Blue Stone Circle, Winter Garden (*Westfield Lakes Subdivision*), approached the Board and spoke in support of the subject petition. She stated that she has two children attending the day care facility, and added that she never faces traffic problems at the intersection of Windermere Road and Warrior Road, except at 7:00 a.m. She spoke highly in regards to the facility.

Janelle Celano, 409 English Lake Drive, Winter Garden (*Westfield Lakes Subdivision*), approached the Board and spoke in support of the subject petition, stating that she drops her children off around 8:30 a.m. and traffic is never a problem at that time. She added that there is a need in the community for day care facilities and spoke highly in regards to the quality of the Children's Lighthouse Learning Center.

James Balderrama recommended the developers to hold a community meeting to answer questions and provide more information to the neighborhood.

City Manager Bollhoefer stated that at the time of the DRC (*Development Review Committee*) meeting he recommended community meetings to properly inform the community.

Fritz Depenthal, Mark McLaughlin, Ed Lynch, Pastor Bergh, Board Members, City Manager Bollhoefer, and Planner Byers further discussed issues related to the subject petition, such as the traffic study, the size of the proposed building, the size of the classrooms, the proposed and current structures and operations at the site, and the number of additional children and staff.

Assistant City Attorney Langley asked Planner Byers if the community was properly informed. Mr. Byers responded that mail notices were sent out to the entire Westfield Lakes Subdivision, a notice was posted on the site, and the item was also advertised in the local newspaper.

Motion by James Balderrama to table the item until the next Planning and Zoning Board meeting to allow the developers to hold a community meeting. Seconded by Xerxes Snell, the motion carried unanimously 4-0.

7. 3343 Daniels Road - Target at Winter Garden Village at Fowlers Grove - Sign Variance

Planner Byers presented the Board with a request for 3343 Daniels Road (*Target at Winter Garden Village at Fowlers Grove*), for approval of a sign variance to allow the property owners to construct a 10' high sign instead of the PCD required 6' high sign (PCD allows a maximum 6' letter height). Staff has reviewed the request and recommends denial, since City Staff believes that Target does not meet the requirements of a "necessary hardship". Target has numerous ground and wall signs that allow high visibility to the site and their store.

Dennis Toner, 229 Parson Street, West Columbia, South Carolina, applicant representing Target Corporation, approached the Board and stated that his client desires to construct a 10' high sign incorporating the nationally recognized Target branded "Bull's-eye" logo. He provided the Board with a graphic representing the proposed sign, and added that Best Buy has a sign, exceeding the 72" limit, which uses a "ticket" as a part of the sign.

Planning Director Williams approached the Board and provided the Board with photographs of numerous existing Target signs. He stated that the applicant violated the PCD sign restrictions by placing a 10' sign in the building; the applicant was obligated to remove the sign after the fact. Mr. Williams stated that there is no legitimate or valid reason to grant the subject petition, and explained that the applicant has five signs using all the sign square footage allowable. He explained that Best Buy is using all their sign square footage allowable in only three signs.

Ed Lynch, 660 Home Grove Drive (*Regency Oaks Subdivision*) approached the Board and suggested the item be tabled, stating that the community was not properly informed.

Giselle Velazquez, 13905 W. Colonial Drive, Winter Garden, approached the Board and stated that she didn't believe a bigger sign will affect the number of customers visiting the store.

Jim Clayme, approached the Board and stated that he is the site representative for Target Corporation. He explained that the 10' foot sign was placed in error by a subcontractor, but it was taken down immediately. He added that the requested nationally recognized Target branded "Bull's-eye" will be located on the rear of the store, facing highway 429, and will not negatively impact any residential areas.

Further discussion took place among the Board Members, City Manager Bollhoefer, Mr. Todd, Mr. Clayme, and Mr. Ed Lynch regarding issues related to the subject petition.

Motion by James Balderrama to deny the Sign Variance petition since it is not in compliance with the PCD requirements. Seconded by Xerxes Snell the motion carried unanimously 4-0.

Annexation, Rezoning & Comp Plan Amendments

8. 933 Carter Road

Planner McGruder presented the Board with a request for 933 Carter Road for approval of Ordinance 07-58, annexation of subject property; Ordinance 07-59, amending the future land use designation of subject property from Orange County Low Density Residential to City Industrial and Ordinance 07-60, rezoning this property from Orange County Citrus Rural to City I-2. City Staff has reviewed the request and recommends tabling the item until a date uncertain, until more information is provided in regards to the proposed development.

Attorney Bill Asma, applicant representing the property owner, approached the Board and provided the Board Members with a pamphlet containing information regarding the subject property and the subject petition. The pamphlet also included several points to justify the petition, and Mr. Asma asked the Board to approve the petition.

City Manager Bollhoefer, Assistant City Attorney Langley, Planning Director Williams, Planner McGruder, and Mr. Asma further discussed matters related to the subject property and the subject petition.

Ed Lynch, 660 Home Grove Lane, Winter Garden (*Regency Oaks Subdivision*) approached the Board and requested the item to be tabled, since the agenda package was not posted on the City's website.

Motion by James Dunn to tabled the item to a date uncertain. Seconded by Xerxes Snell, the motion carried unanimously 4-0.

9. 1225 N. West Crown Point Road - Small Comp Plan Amendment

Planner McGruder presented the Board with a request for 1225 N. West Crown Point Road for approval of Ordinance 07-48, annexation of subject property; Ordinance 07-49, amending the future land use designation from Orange County Low Density Residential to City Low Density Residential; and Ordinance 07-50, rezoning this property from Orange County Residential to City R-1 (*Residential 1*). City Staff has reviewed the application and recommends approval.

Motion by James Balderrama to approve Ordinance 07-48, annexation of property located at 1225 N. West Crown Point Road; Ordinance 07-49, amending the future land use designation from Orange County Low Density Residential to City Low Density Residential; and Ordinance 07-50, rezoning this property from Orange County Residential to City R-1. Seconded by James Dunn, the motion carried unanimously 4-0.

10. 21 & 35 Broad Street

Planner McGruder presented the Board with a request for 21 & 35 Broad Street for approval of Ordinance 07-56, amending the future land use designation of subject property from Low Density Residential to Neighborhood Commercial and Ordinance 07-57, rezoning this property from City R-2 to City R-NC. City Staff has reviewed the application and recommends approval.

Ed Lynch, 660 Home Grove Drive, Winter Garden (*Regency Oaks Subdivision*), approached the Board and asked about the location of the subject property; after receiving an answer from City Manager Bollhoefer, Mr. Lynch suggested the item to be tabled.

Motion by Xerxes Snell to approved Ordinance 07-56, amending the future land use designation of subject property from Low Density Residential to Neighborhood Commercial and Ordinance 07-57, rezoning this property from City R-2 to City R-NC. Seconded by James Balderrama, the motion carried unanimously 4-0.

Final Plats

11. Stoneybrook Mini-Storage

Planner Byers presented the board with a request for final plat approval for Stoneybrook Mini-Storage located on Avalon Road. City Staff has reviewed the application and recommends approval with the conditions included in the Engineering Department's memorandum of October 31, 2007, and the additional condition that Tract "A" must be conveyed to the City as a condition of approval for the final plat.

Randy June, 132 W. Plant Street, Winter Garden, approached the Board and stated that he was in agreement with City Staff conditions.

Motion by James Balderrama to approve the Final Plat with City Staff conditions (see attached). Seconded by Xerxes Snell, the motion carried unanimously 4-0.

12. Walker's Grove Townhomes

Planner McGruder approached the Board and stated that City Staff is recommending the subject item to be tabled until a date uncertain, since the applicant must provide the City with some requested documentation.

Motion by James Dunn to tabled the item until a date uncertain. Seconded by Xerxes Snell, the motion carried unanimously 4-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:59 p.m.

APPROVED:

ATTEST:

Acting Chairman Jerry Carris

Planning Technician Lorena Blankenship